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ADDITIONS TO LUTON.

IN the time of Robert, eighteenth earl of St. Albans (between 1151 and 1166) the church of Luton abounded with parishioners (*parochialibus copiosa*) and was richly endowed. The lands, as well as the church, belonging to the fee of the earl of Gloucester, were violently misapplied (*in officii militaris officium redactæ*) by one William, the chamberlain, who had given the earl of Gloucester 10 marks for this purpose. How this happened, and how abbot Robert recovered this church (*qualemve introitum præfatus Robertus abbas babuerit in banc ecclesiam*) is thus related by Matthew Paris.

On the death of the said Robert earl of Gloucester, his son William succeeded to his estate. While they continued faithful servants to king Stephen, he gave earl Gilbert his right to the church of Luton and the lands thereto belonging, and put him into possession thereof by Geoffrey de Waterville, who sent William de Querceto to Luton to represent him on this occasion. This donation was seen and heard by numbers. But William the Chamberlain, a married layman, had taken possession of the church, and made the free lands of the church a military fief (*ecclesiæ libertatem redigerat in servitium officii militaris.*) Earl Gilbert knowing this to be unreasonable, with the king's leave gave the aforesaid church and all its lands, which had been unjustly seized by William the chamberlain in frankalmoigne (*sicut advo-catus dedit & concessit in eleemosynam*) to his kinsman, Gilbert de Cymmay, clerk, king's chaplain, intending thereby to restore the liberty of ecclesiastical privileges. The king and the earl ac-

cordingly presented Cymmay to Alexander bishop of Lincoln, desiring him to grant to him the said church, and admit him parson thereof (*ei appersonare*). The bishop replied he was unwilling to remove, except in a legal manner, William the chamberlain from the church, though he had taken possession of it by violence, and appointed him and Cymmay a hearing. William did not appear, but sent a message that he would not appear before the bishop about a church which he did not hold in frankalmoigne, but hereditarily for military service. Another hearing was fixed, but nothing done. The bishop, unwilling to condemn an absent man, appointed a third in the town of Luiton, where William lived, that he might have no excuse. In the mean time the bishop of Lincoln received orders from the bishop of Ostia, then legate in England, to enquire whether the land held by William belonged to the church of Luiton, and, if it did, to restore the church and lands to its ecclesiastical rights. This order was delivered to Cymmay. When the day for the third hearing came, William as usual did not appear; but a king's writ issued to the people of Luiton to enquire if the land belonged to the church. The like precept came from the bishop, and it was certified and sworn to by all, that from the first building of the church, five hides in Luiton were given to it in frankalmoigne, and others afterwards bought by the parsons of the church (*a personis ecclesiae*); and so the church and all the land was held in frankalmoigne till the time of the last William the chamberlain, who turned the liberties of the church into military fief. Whereupon William was dispossessed, and the church seized into the hands of the bishop, who, upon William de Cymmay applying for his presentation, referred it to a meeting to be held at Oxford, where, upon full proof, he was put into possession of the church, with its lands, and all other appurtenances. Not long after, Gilbert earl of Gloucester, to

whom

whom the right of advowson of the church with its lands had been granted, revolting from Stephen, the king gave the whole town of Luton, with all the church fee therein, to Robert Waudari, one of his adherents, whereby Gilbert de Cymmay could by no means be compelled to hold the church of him; because he before held it of his kinsman the earl of Gloucester. After quiet possession of the church for sixteen years, he fell ill of a dropsy, and was given over by the physicians. In this situation abbot Robert frequently visiting him, opened to him his desire to have the church of Luton. Gymmay consented, and made over all his right to Richard archdeacon of Bedford, and forthwith to prevent further application of every kind, presented (*impersonatum substitui fecit*) a nephew of the abbot named Geoffrey, with the consent of the archdeacon and Richard de Waudari, who was related to the abbot. Gilbert de Cymmay and his son William became monks at St. Alban's, and the former soon after died. On his death abbot Robert, considering that Richard de Waudari's grant from the crown gave him only a temporary right, went to the earl of Gloucester, and never ceased importuning him till he got confirmed by him to the church of St. Alban for ever the church of Luton, and all that William the chamberlain held of his fee in the soke of Luton, and in Herteswelle, Badelesdune, and Potesgrave, by the service of half a knight's fee, which the said William the chamberlain used to perform to his father, on condition that William's wife should hold all her dowry lands for her life of the church of St. Albans, at the accustomed service; and after her decease, the church of St. Alban on the same terms. For this grant the abbot gave the earl 80 marcs, and the earl was to guarantee it to the abbot, or get it to be holden by the same tenure of any who might unjustly seize it, or restore the money. The abbot, at the desire of the king, the earl, and many of the no-

bility, permitted the woman to hold, not only her dower, but the land held by her husband, though he nor she had no title to it.

In process of time, as the land had been made a military fief, the earl of Gloucester remitted it for 30 marcs paid him by the abbot, and laid his grant on the altar at St. Albans. The abbot immediately got it confirmed by king Stephen, by the interest of Balderic *de sigillo*, to whom, at the king's desire, he granted two parts of the said church to be held of him in chief (*principaliter*), a third part to his nephew Jeffrey, and the land to Adam, clerk of the said church. In the mean time the woman died, and all her lands fell in to the abbot and monks of St. Albans without any obstruction. A dispute arose touching a little piece of land anciently given to the church of Luiton in frankalmoigne, between abbot Robert and one Henry, *conversum de hospitali*, and having been more than once heard before the king's justices, it was at last referred to a jury at Luiton, who being bribed by Henry made a false return, that the land never belonged to the church; so he kept possession of it, but soon after came to an untimely end *.

Henry II. on his accession, enquiring after the crown lands, a jury, misled by the authority of older men (*antiquorum assertiōibus*), returned on oath that the church of Luiton belonged to the crown, being informed by many persons that the old church had been built upon royal demesne, and therefore was in the king's gift; but that being entirely taken down, the present was erected on the earl of Gloucester's fee. Upon this the king seized it by Richard archdeacon of Poitiers, and dispossessed Balderic *de sigillo* and Adam the clerk. At the abbot's importunity it was however restored to his custody till the matter was ascertained.

* Vit. 23 ab. St. Alb. p. 67, 68.

The abbot applied to the archdeacon, who had the king's ear, or was his confessor (*regis quasi auricularius*), to persuade him to give it up, which he did on condition of having two parts of it held by Balderic and Adam made over to him, to which the abbot in his dilemma (*in districto positus*) though not strictly conformable to the canons, consented. Not long after the king being at Clarendon, the abbot, by intreaties and promises, intermixed with threats of law and the martyr's vengeance, prevailed on him to give and confirm the church of Luiton and Hocton (*Houghton*), with all appurtenances, in free and perpetual alms, to the then abbot and the convent of St. Alban *.

* Vit. 23 ab. St. Alb. p. 70.

Compositio facta inter episcopum Lincolnensem & abbatem Sc̄i Albani.

Universis Sc̄e Matris ecclesiæ filiis ad quos præsens scriptum pervenerit. Richardus Dei permissione Saresberiensis ecclesiæ minister humili, & Willielmus & Richardus ejusdem permissione de Westmonasterio & de Waltham abbates, salutem in Domino. Noverit universitas vestra quod cum inter episcopum Lincolnensem Hugonem secundum ex una parte & Gulielnum abbatem & conventum ex altera, coram diversis judicibus auctoritate literarum domini Papæ Honorii tertii super diversis petitionibus quæstiones mutuae verterentur, viz. coram me Sarisberiensi episcopo & conjudicibus mei, super ordinatione vicariæ ecclesiæ de Luituna: Item coram nobis Westmonasterii & Waltham abbatibus & priore Sc̄æ Trinitatis, London', super subjectione cellarum de Beauvoir, de Hertford & de Bello loco, & super taxatione vicariæ de Luituna, & super custodia ejusdem cum vacaret, & super appropriatione omnium ecclesiæ in quibus jura pontificalia non habent abbates Sc̄i Albani, & assignatione vicariar' in eisdem, necnon & custodiis earumdem ecclesiæ & vicariar' cum eas vacare contigerit: Item coram abate de Sibeton & conjudicibus suis super portione quam dicti abbates & conventus tenent in proprios usus in ecclesia de Luitona: Tandem recepta die pacis inter eos reformandæ post mutuum tractatum (nobis mediantibus inter eos) amicabiliter habitum; Episcopus Lincoln' per literas capituli sui de rato speciales ad componendum, & abbas Sc̄i Albani per literas capituli sui de rato similiter speciales ad componendum, procuratores constituti super omnibus præmissis petitionibus & querelis, ad reformandam amicabiliter pacem inter eos & eor' ecclesiæ pro se & pro capitulis suis simpliciter & absolute nostræ se subjecerunt ordinationi, promittentes solemniter coram nobis & multis aliis in verbo Dei quod nostræ starent in hac parte irrefragabiliter ordinationi. Nos igitur, Deum habentes præ oculis, & utriusque ecclesiæ prospicientes in posterum paci & tranquillitati, pacem inter eos amicabilem providimus & ordinavimus in hunc modum; scilicet, de vicaria ecclesiæ de Luitona (cujus occasione super cæteris mota est controversia) sic erit. Quod in ecclesia de Luitona perpetua ordinetur vicaria. Ita scilicet quod qui pro tempore erit vicarius habebit nomine perpetuæ vicariæ omnes obventiones & omnes minutæ decimas ecclesiæ de Luitona & omnium capellarum ad eum pertinentium, & omnia alia ad eandem ecclesiæ & capellas pertinentia, cum manso competenti, exceptis garbis & terra ad ecclesiæ & ad capellas pertinent'; & inde vicarii sustinebunt omnia onera ecclesiæ parochialia, synodalia, archidiaconalia, ordinaria, & consueta sicut vicarii. Vicarii autem in ecclesia de Luitona successive instituendi præsentabuntur episcopo Lincolnensi & successoribus suis ab abbatæ & conventu Sc̄i Albani vel a conventu vacante abbatia. Episcopus vero & successores sui idoneos viros sibi præsentatos sine moræ dispendio & sine difficultate admittere tenentur. Habebit autem episcopus & successores sui plenam jurisdictionem in ecclesia de Luitona & custodiam ejusdem vicariæ cum vacaverit. Ib. p. 130. 131.

